

'Phantom Of The Fox' Fights To Stay In Apartment

by THE ASSOCIATED PRESS



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, stands in his living room Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.

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Behind the faux Moorish splendor of Atlanta's historic Fox Theatre lives the "Phantom of the Fox" — a beloved local figure who twice helped save the landmark from destruction and now is battling to stay in the place where he has lived for more than 30 years.

Joe Patten, 83, occupies a spacious dwelling nestled beneath the theater's onion-shaped dome. His original lease, drawn up in the 1970s after he helped save the Fox from the wrecking ball, said he could live there for life.

Earlier this month his lawyer sued the nonprofit organization that runs the Fox, saying the



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, waves to people on the street from the balcony of his apartment Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.

trustees of Atlanta Landmarks are trying to unfairly evict Patten.

The conflict has struck a nerve in Atlanta, where Patten has long been treasured by supporters of the Fox.

"This is my home," Patten said in a recent interview with The Associated Press. "I would love to live here until my dying day and that's it."

There are websites devoted to his cause. His supporters can frequently be seen parading in front of the Fox, urging people to boycott the venue until the trustees agree to reinstate Patten's original lease

"He just evokes the spirit of the past that you can't find," said Gordon Dyker, who waved a sign and urged passers-by to support Patten before a recent show. "He's priceless and there's so many people that love what he's done for the city, and he's actually become our friend, and we want to take care of him as best we can."

The board of trustees voted to end Patten's lease Aug. 30, just over two weeks after he returned home from a short stint in the hospital and a rehabilitation facility following a stroke in mid-July. The lawsuit claims that before the vote, while Patten was still recuperating,



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, is shown inside his apartment Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, stands inside his living room Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to

members of the board repeatedly visited and told him he couldn't return.

The Fox said in a statement that the board has tried for nearly two months "to engage Mr. Patten and his attorney in an effort to negotiate a new agreement which would permit him to continue to live at the Fox Theatre. Unfortunately neither Mr. Patten nor his attorney has accepted any of our efforts in this regard."

Patten has declined to sign the new agreement — which can be terminated at any time without cause on 60 days notice — saying he wants to be allowed to stay in his apartment under the original conditions.

Built in the late 1920s as a Shriners mosque, the Fox is lavishly decorated with minarets, arched doorways and terrazzo flooring. The auditorium, which has hosted countless movies, concerts and plays over the years, evokes the feel of an ancient Arabian courtyard, the ceiling painted a deep blue with small twinkling lights that mimic stars.

When the Fox was threatened with demolition in the 1970s, Patten sprang to its defense. He is a founding trustee of Atlanta Landmarks, created to raise money to save the Fox.

Patten and his fellow activists succeeded and, in

break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, proudly displays his Fox Theatre belt buckle Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.



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1979, the board of trustees asked Patten to convert some unused office space into an apartment and live there as a caretaker, the lawsuit says. Under the terms of the 1979 lease, Patten agreed to spend at least \$50,000 to renovate and convert a rundown office space in the theater into an apartment where he would live. The renovation costs would be considered his rent for the term of the lease, which was set to expire after his death.

Shortly after he moved in, Patten became the theater's technical director, a position he held until he retired in 2001.

Patten became interested in theaters and pipe organs as a child in Lakeland, Fla., and a pipe organ turned out to be his entry into the Fox.

Enchanted by the theater when he first visited in 1946, he was disappointed its great pipe organ, known as "Mighty Mo," wasn't working. In 1963, after Patten had moved to Atlanta, he and a small group of friends persuaded the theater's general manager to let them restore it.

"From that point on, I've had a very, very close relationship to the Fox Theatre here in Atlanta," Patten said. "It was my intent to get everything in this theater working as it was originally designed to."

Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, talks during an interview in his apartment Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, walks down a flight of stairs from his apartment to street level Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.



He came to know the place so well that it sometimes seemed to people he would exit one door only to reappear right away in an entirely different location — earning him the affectionate nickname "Phantom of the Fox."

From a door in his bedroom, Patten can enter a passageway and go up some stairs to a former spotlight platform that has served as his own personal box to see shows over the years. He couldn't name a particular show that stood out as his favorite, but has many fond memories.

He tells stories of spending time with a young Angela Lansbury, helping Mick Jagger and the rest of the Rolling Stones sneak out a side door and escape to the airport in an ambulance after a concert, and giving then little-known Jay Leno a ride in some of the old cars Patten collects, including a 1937 Rolls Royce that he still owns.

Patten's knowledge of the theater helped him save it a second time when a fire started in the early morning hours of April 15, 1996.

"One of the reasons he was so valuable to the saving of the Fox is because he knows this building better than any human being," said Bob Foreman, a longtime Fox supporter and a friend of Patten. Foreman said Patten helped



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, during an interview inside his living room Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.



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Joe Patten, 83, known as the "Phantom of the Fox", who has lived above the historic Fox Theatre in Atlanta for the past 31 years, stands outside the theatre Tuesday, Oct. 12, 2010 in Atlanta. Patten recently sued the Fox board in an attempt to remain living above the venue. In August, the board voted to break Patten's 1979 lease, which allowed him to live in the 3,640-square-foot apartment for the rest of his life.

firefighters pinpoint the fire's location and get there quickly.

Atlanta Landmarks has said the Fox is not an appropriate setting for round-the-clock care or assisted living.

Patten now hunches over when he walks but he still manages to climb the 70-plus stairs in his three-story apartment, decorated with family heirlooms and other pieces he has acquired.

With his original lease terminated, Patten is required to leave by Dec. 1 unless he reaches a new agreement with Atlanta Landmarks. The lawsuit seeks an injunction to keep Patten from having to vacate, plus punitive and compensatory damages and a jury trial.

Patten's lawyer, Emmet Bondurant, claims in the lawsuit that Atlanta Landmarks is discriminating against Patten based on physical limitations, a violation of the Georgia Fair Housing Act.

Under the 1979 agreement, Atlanta Landmarks retained the right to terminate the lease if Patten became "totally and permanently disabled" and if a panel of three doctors determined that it would be in his best interest to be hospitalized or placed in a nursing home.

The original lease also says the board of

trustees may terminate it if two-thirds of its members voted that it would be in Atlanta Landmarks' best interest.

On Sept. 2, Atlanta Landmarks proposed a new agreement that would allow Patten to continue to live in his apartment "only on the condition that he agree to a series of restrictions tailored to make it impossible for a disabled person to live in the Residence," the lawsuit says.

Bondurant filed the lawsuit on Oct. 4. A hearing is set for Wednesday.

Online:

<http://www.foxtheatre.org>

<http://www.savethephantomofthefox.org>